

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
(PHILADELPHIA)**

IN RE:

**WILLIAM A. BROWNLEE, SR.,**

Debtor.

CASE NO. 24-10598-PMM  
CHAPTER 13  
HON. PATRICIA M. MAYER

**OBJECTION TO CONFIRMATION OF PLAN**

COMES NOW, Fulton Bank, N.A. ("Creditor"), by and through its counsel, Andrew L. Unterlack, Esquire of Eisenberg, Gold & Agrawal, P.C., and for its Objections to Confirmation of Debtor's Chapter 13 Plan, herein states and alleges as follows:

1. This Court has exclusive jurisdiction over this proceeding. Debtor filed this Petitioner under Chapter 13 of the United States Bankruptcy Code on February 23, 2024.
2. Debtor is the guarantor of certain obligations due and owing to Creditor, arising from loan transactions with entities owned and/or controlled by Debtor.
3. Proof of Claim 12 was filed by Creditor in this matter on April 23, 2024, setting forth the total due in the amount of \$18,432.04.
4. Debtor's Chapter 13 Plan, dated April 5, 2024 ("Plan") provides for a length of sixty (60) months, with payments to the Trustee of \$800.00 per month for an aggregate of \$48,000.00 over the duration of the Plan.
5. Debtor's primary purpose of this bankruptcy is avoidance of substantial unsecured debts and retention of a certain **2021 Maserati Levante**, financed by American Airlines Federal Credit Union. Said vehicle has an alleged value of \$25,688.00 and an estimated balance due of \$51,128.20.

6. Creditor contends that such vehicle is a luxury item not reasonably necessary for Debtor's reorganization.

7. Debtor's Schedule I sets forth that he is *not employed* at the Petition Date yet has income of \$5,700.00 per month from an undisclosed source. Moreover, Debtor claims a *donation towards living expenses received from New Emmanuel Christian Center* in the amount of \$1,200.00 per month. Debtor's total alleged income is \$6,900.00 per month and is qualified as being *a projection of income beginning in the 30 days* after commencement of the Petition.

8. Debtor's Schedule J sets forth an aggregate expense of \$6,300.00 per month, without consideration of the luxury car payment. Moreover, the stated expense for car insurance, being \$200.00 per month, seems exceptionally low for a vehicle of this nature.

#### Objections to Confirmation

9. The Plan proposed by Debtor fails to comply with Section 1325(a)(6). For the Debtor to obtain confirmation, Section 1325(a)(6) requires that the debtor will be able to make all payments under the plan. Debtor does not have sufficient income to support the proposed Plan payments. Even considering the speculative nature of the Debtor's income, the differential between Schedule I and J is only \$600.00 per month and the Debtor is proposing to pay a phantom amount of \$800.00 per month under the Plan.

10. The Plan proposed by Debtor is not feasible. Debtor does not have a disclosed income source to support this Plan. By admission, Debtor is not employed yet has a phantom income of \$5,700.00 per month. Moreover, the donation towards his living expenses received from New Emmanuel Christian Center is unreliable as a primary source of income and potentially manipulated by the Debtor to be any amount within his discretionary control as clergy.

11. The Plan is not proposed in good faith, as it seeks to retain an unnecessary luxury vehicle over the interests of unsecured creditors.

12. Accordingly, objection is made to confirmation of the Plan in the event that: (a) the Plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith; (b) the Plan is not feasible; and/or (c) the Plan fails to comply with other applicable provisions of Title 11.

13. Creditor reserves the right to amend this Objection to Plan.

**WHEREFORE**, Fulton Bank, N.A., respectfully requests that, upon final hearing, confirmation of Debtor's Plan be denied.

Dated: July 30, 2024

By: /s/ Andrew L. Unterlack, Esquire  
Andrew L. Unterlack, Esquire  
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Our File No. FL-2563-G

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

WILLIAM A. BROWNLEE, SR.,

Debtor.

Chapter 13

Bankruptcy No. 24-10598

Hon. Judge Patricia M. Mayer

Hearing Date:.

**CERTIFICATION OF SERVICE**

Andrew L. Unterlack, Esquire, being duly certified says that:

1. I am the attorney for the moving party in the above-captioned matter.

2. On July 30, 2024, service of the Objection to Confirmation of Plan and this

Certification of Service was served upon the following persons or entities at the addresses set forth below:

- |     |                   |  |
|-----|-------------------|--|
| (a) | Debtor:           | William A. Brownlee, Sr.<br>640 N 39 <sup>th</sup> Street<br>Philadelphia, PA 19104            |
| (b) | Debtor's Counsel: | Michael A. Cibik<br>Cibik Law, P.C.<br>1500 Walnut Street, Suite 900<br>Philadelphia, PA 19102 |

(c) Trustee: Kenneth E. West  
Office of the Chapter 13 Standing Trustee  
1234 Market Street-Suite 1813  
Philadelphia, PA 19107

(c) U.S. Trustee: United States Trustee  
Office of United States Trustee  
Robert N.C. Nix Federal Building  
900 Market Street, Suite 320  
Philadelphia, PA 19107

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false that I am subject to punishment.

By: /s/ Andrew L. Unterlack, Esquire  
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DATED: July 30, 2024